

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
  
CHARLESTON DIVISION

NATHANIEL LEE ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 2:23-cv-00038

CAMRYN T. DANIELS, et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is the Motion to Dismiss filed by Eddy Arthur, Danville Police Department, and Town of Danville (“Moving Defendants”). [ECF No. 16]. For the reasons stated below, the Motion is **DENIED as moot**.

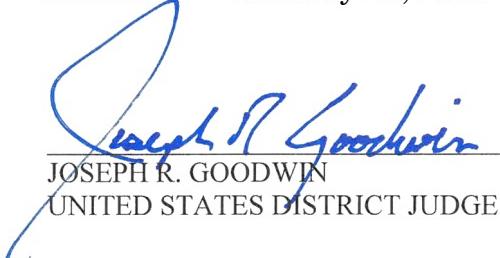
On May 12, 2023, Moving Defendants moved to dismiss Plaintiff’s original Complaint. [ECF No. 1]. On June 23, 2023, Plaintiff timely filed his Amended Complaint, [ECF No. 21], pursuant to the Scheduling Order entered on May 31, 2023, [ECF No. 20].

“As a general rule, ‘an amended pleading supersedes the original pleading, rendering the original pleading of no effect.’” *White v. Turner*, 671 F. App’x 162, 163 (4th Cir. 2016) (unpublished) (quoting *Young v. City of Mt. Ranier*, 238 F.3d 567, 572 (4th Cir. 2001)). When a plaintiff amends a complaint while a motion to dismiss is pending, a court may deny the motion as moot. *See Turner v. Kight*, 192 F. Supp. 2d

391, 397 (D. Md. 2002) (denying the motion to dismiss the original complaint as moot because the original complaint was superseded by the amended complaint); *see also Sennott v. Adams*, No. 6:13-cv-02813-GRA, 2014 WL 2434745, at \*3 (D.S.C. May 29, 2014) (“[A] defendant’s previous motion to dismiss is rendered moot when a plaintiff files an amended complaint.”); *Skibbe v. Accredited Home Lenders, Inc.*, No. 2:08-cv-01393, 2014 WL 2117088, at \*3 (S.D. W. Va. May 21, 2014) (denying as moot defendants’ renewed motion to dismiss where “[t]he Third Amended Complaint superseded the Amended Complaint and the Second Amended Complaint”). Here, Plaintiff’s Amended Complaint superseded his original Complaint. Accordingly, Moving Defendants’ Motion to Dismiss, [ECF No. 16], is **DENIED as moot**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: January 24, 2024

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE